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SENIOR WHIP

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2003**

January 9, 2006

The Honorable Michael Leavitt  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Dear Mr. Secretary:

I write to request your immediate action to protect the health of Medicare beneficiaries.

In the one week since Medicare Part D coverage took effect, many seniors in Maryland are frustrated in their efforts to access their benefits for prescription medicines. My district office has received numerous calls to this effect. We have also been notified by Maryland Department of Aging caseworkers that beneficiaries who were told they had been automatically enrolled in a Part D plan were later informed at the pharmacy that no record of their enrollment could be found, and pharmacists have been unable to receive timely assistance to resolve these cases. Some beneficiaries, despite having brought with them state-provided confirmation of eligibility for extra help, were being charged deductibles and excessive copayments because pharmacists were unable to verify eligibility with CMS or with private insurance plans.

Particularly for low- and moderate-income beneficiaries, the failure of the federal government's system has created a true public health emergency. A sizeable number of the affected seniors do not have the resources to purchase the medicines they need and many will be forced to seek care in hospital emergency rooms.

It was reported in today's edition of *The New York Times* that several states have agreed to assume the costs of prescription medicines for needy beneficiaries until Medicare Part D's many implementation problems are resolved. These states have wisely and compassionately stepped in to fill the void created by the breakdown in the federal program. However, according to the law, since January 1, coverage of most outpatient prescription drugs is the responsibility of the federal government, and the U.S. Department of Health and Human Services should fulfill this responsibility.

I urge you to immediately implement a short-term emergency program so that beneficiaries across the country are not left without prescription drug coverage while programmatic difficulties are fixed. Telephone lines at 1-800-MEDICARE must be staffed sufficiently to guarantee that pharmacists can receive immediate verification of eligibility. Seniors

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The Honorable Michael Leavitt  
Page 2

who show documentation of Medicare and Medicaid eligibility must be able to receive prescription drugs subject to no deductible and with copays of no greater than \$1 and \$3. Finally, pharmacies and state governments should be assured that they will be reimbursed for any and all prescription drugs they pay for that should have been covered by Medicare Part D.

I look forward to hearing how you will address these issues. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ben Cardin".

Benjamin L. Cardin  
Member of Congress